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THE DISARMAMENT CRISIS—1933

by

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with the aid of the Research Staff of the Foreign Policy Association

INTRODUCTION

ON October 14 the German government suddenly announced its withdrawal from the Disarmament Conference and from membership in the League of Nations. The reason given for this action was that the Allied powers and the United States had refused for the present to accept any material disarmament or to concede to Germany a position of equality. In its statement Germany renounced "force as an unsuitable means for solving existing differences"; it declared its readiness to destroy the last German machine gun and to dismiss the last man from the army—provided the other nations did likewise—and its willingness to conclude Continental non-aggression pacts. But it was determined to stay away from Geneva until "equality is no longer withheld." On the same day the German government stated that a plebiscite would be held on November 12 for the purpose of obtaining popular approval of this policy.

In an address on October 14, Chancellor Hitler reiterated his criticisms of the Treaty of Versailles and again emphasized his belief that the National Socialist movement had not only restored confidence to the German people, but had saved Europe from Communism. After attacking Great Britain for allowing an international group of law-

yers to hold a mock trial at which the Communists were absolved from responsibility for burning the Reichstag, he held forth the olive branch to France. Praising a recent conciliatory speech by Premier Daladier, he stated that "it would be a tremendous event for entire humanity if the two peoples could once for all ban force from their common life." After the return of the Saar, "only a madman could believe in the possibility of war between the two States . . . Nobody can wish that millions of young lives be annihilated for the sake of a boundary correction of doubtful extent and of doubtful value." The parades of the Storm Troops were directed, not against France, but the Communists. "If the rest of the world digs itself in behind indestructible fortresses, builds tremendous aerial squadrons, constructs giant tanks and molds enormous cannon, it cannot talk of being threatened because German National Socialists, totally unarmed, are marching in columns of four and thereby are giving visible expression of effective protection to the German community of citizens." Hitler did not claim the right to re-arm, nor did he threaten to re-arm. What he asked was equality. "The deliberate relegation of our people to an inferior class, in that every nation of the world is conceded

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the self-evident right which is denied us, we feel, is the perpetuation of a discrimination unbearable to us . . . The men who today lead Germany have nothing in common with the mercenary traitors of November 1918 . . ."

Germany's withdrawal followed a meeting of the Bureau of the Disarmament Conference on October 14 at which Sir John Simon reported on the private conversations which had been held between Great Britain, France, Italy and the United States. In his report the British Foreign Secretary proposed that the draft disarmament convention should be amended to cover a period of eight years instead of five years as originally suggested. He explained that "this period of eight years should be occupied by the fulfillment of a continuous program, designed to secure at the end of the period two essential conditions: (a) a substantial measure of disarmament actually realized and completed on the part of the heavily armed powers, and (b) the achievement of the principle of equality in a régime of security which, ever since December of last year, has been the declared objective not only of the powers who signed the declaration of December 11, but of the Disarmament Conference itself."

The period of eight years, however, should be divided into stages. Sir John declared that "the present state of Europe is a fact and statesmen in drawing up their plans have to face facts." The first stage of the eight-year period "would begin with the transformation of Continental armies on the lines set out in the British draft, together with the setting up, through the medium of the Permanent Disarmament Commission of an adequate system of supervision so that the sense of security, which the due observance of the convention will afford, should provide the groundwork for the practical attainment of the two ideas of disarmament and equality."

During the second stage, which might begin at the end of four years, the Allies would agree to accept a measure of disarmament, provided international supervision had established confidence. In particular they would abolish certain "aggressive weapons," and as a result there would be constituted a "common list of permitted arms which would become the same for all countries, and thus the differential position of the powers whose armaments were limited by the peace treaties would finally cease." Sir John insisted, however, that "the scheme involves the principle that the powers now under restriction of the peace treaties should not begin to increase their armaments forthwith, but should express their willingness to conform to a time table." Although the British government opposed immediate rearmament, Sir John Simon did not mean to "dispute the

reasonableness, as the Reichswehr is transformed into a more numerous short-service army, of a proportional numerical increase in its armament. . ."

Although this plan gave Germany a contingent promise of military equality at the end of eight years, the armed powers did not pledge themselves to any immediate reductions in armaments. Moreover, they rejected the request of Germany for a limited number of "defensive" weapons, now prohibited to Germany by the Treaty of Versailles.

Apparently the Hitler government believed it impossible, for political reasons, to accept these new proposals, even though they offered several concessions to Germany. In his speech Hitler did not ask the right to acquire the aggressive weapons which the Allies promised to destroy in the future. He merely asked the right to acquire defensive weapons, such as tanks of less than 16 tons, which the Allies insisted on retaining. The Allies and the United States, however, had reached a united front against "immediate re-armament" of Germany. A deadlock was thus created, which Hitler decided to break by drastic action.

Meeting on October 16, the Conference decided to adjourn until October 26 to give the powers time to take stock of the situation. On the same day Arthur Henderson, president of the Conference, replied to Baron von Neurath, German Foreign Minister, expressing regret that Germany should have withdrawn from the Conference at a time when the Bureau of the Conference had just decided to submit a definite program. Norman H. Davis, the chief American delegate, also issued a statement, declaring that while the United States desired disarmament, it was not interested in the political issues which disarmament raised. "We again make clear," he said, "that we are in no way politically aligned with any European power . . . During this week there will be consultations between the capitals of Europe. We do not wish to take an active part in these as the implications are clearly political."

According to some observers, it may still be possible for Germany to return to Geneva if the other powers are willing to offer Hitler a definite *quid pro quo* for continued adherence to the Treaty of Versailles. Others believe, however, that a situation has been created in which it is impossible for the Allies and the United States to make further concessions. It is generally admitted that a grave international crisis has been precipitated, the outcome of which is unpredictable. The purpose of the following report is to give the background of this crisis by analyzing the disarmament issue as it has developed during the last six months.

THE BRITISH DRAFT CONVENTION

The Draft Convention, which may yet be presented with amendments to the Disarmament Conference when it resumes on October 26, is a document of ninety-six articles embracing provisions for the limitation of land, naval and air armaments.¹ It was prepared by the British government and submitted at Geneva by Prime Minister Ramsay MacDonald on March 16, 1933, at a time when the Conference had reached a virtual impasse on the political issues of equality and security. Despite its origin, it is not an exclusively British project, but a composite text based on the proposals of a number of governments and designed as a compromise plan. As such, the Draft Convention represents an effort to find a common ground for agreement midway between the extreme demands of Germany on the one hand, and France and the *status quo* powers on the other.

During the first reading, which took place between April 25 and June 8, concessions were made by both France and Germany and the text was altered in several impor-

tant respects. The concessions, however, were not sufficient to bridge the gap and the revised text was satisfactory to neither group. To Germany, the provisions for limiting effectives, offensive weapons and military aviation were entirely inadequate, while to France the same provisions were too drastic. Nor were the differences confined to the two chief protagonists. The Little Entente and Poland, while supporting the French thesis on security and supervision of armaments, submitted amendments and reservations of their own. Italy differed with both France and Germany. Soviet Russia and many of the small states of Europe, while willing to accept a compromise, continued to urge more drastic reductions in existing armaments. The United States, although seeking to remain aloof from European political issues, supported the basic principles of the British Draft Convention. At the end of the first reading no less than 125 amendments had been submitted by governments and referred to the Conference for decision at its next session.

PART I—SECURITY

Part I of the Draft Convention attempts to provide a solution for the baffling issue of security, which has blocked the reduction of armaments since 1918. No previous plan has contrived to satisfy the exacting demands of France and, at the same time, remove British and American objections to new guarantees in Continental Europe. In the past² France has insisted on guarantees to insure the automatic application of sanctions which neither Great Britain nor the United States was in a position to satisfy. The revised security plan seeks to bridge this gap by differentiating between the problem of Continental Europe and the world as a whole. On the one hand, it provides for consultation between members and non-members of the League in the event of a breach or threatened breach of the Pact of Paris; on the other, it makes provision for a security pact between the states of Continental Europe, under which these states assume definite obligations—as between themselves—to enforce the sanctions of Article XVI of the League Covenant. In reaching this compromise, which was made possible by the American pledge to consult,

the original British draft of the security provisions was entirely rewritten.³

The pledge to consult is universal.⁴ It provides that either the Council or the Assembly of the League, or one of the parties to the disarmament convention, may propose immediate consultation in the event of a breach or threatened breach of the Pact of Paris. The effect is to bring the United States and Soviet Russia into consultation with the League, and to lay down a definite procedure for dealing with violations of the Pact and the League Covenant. Had such a plan been in operation during the Manchurian crisis, much of the confusion arising from the absence of two great powers from the League deliberations might have been avoided.

The object of such consultation is to "exchange views" to preserve peace, or "use good offices" to restore peace in case an actual breach has occurred. Should it prove impossible to restore peace, the Conference is empowered "to determine which party or parties to the dispute are to be held responsible."⁵

The new security plan was made possible by the offer of the United States to consult

1. League of Nations, Conference for the Reduction and Limitation of Armaments, *Draft Convention*, Conference Document 163 (Geneva, June 21, 1933). This Convention supersedes the Draft Treaty submitted by the Preparatory Commission in 1930.

2. For previous French proposals, cf. Foreign Policy Association, *Information Service*, W. T. Stone, "The Draft Treaty for the World Disarmament Conference," February 18, 1931; "The World Disarmament Conference, First Stage," May 11, 1932; "The World Disarmament Conference, Second Stage," cited; and Mildred S. Wertheimer, "The League of Nations and Prevention of War," August 6, 1930.

3. Part I of the original British draft was criticized by a number of European countries on the ground that it would weaken the authority of the League. Cf. League of Nations, General Commission, *Provisional Minutes of Fifty-First and Fifty-Second Meetings*, April 25-26, 1933, p. 405-16.

4. *Draft Convention*, cited, Article I.

5. *Draft Convention*, cited, Article 2. The provisions of this Article, it is specified, do not prejudice the rights and obligations of members of the League, nor limit the powers and duties of the Council or Assembly.

with other powers in the event of a breach of the Pact of Paris. The offer was announced by Norman Davis, American Ambassador at large, on May 22 and was welcomed at the time by representatives of all the principal powers as a major contribution to the solution of the security problem.⁶ In his speech on the 22nd and again two days later, Mr. Davis explained precisely what steps the United States would be prepared to take.

First, he declared, in the event of a breach or threatened breach of the pact the American government will be ready to confer with a view to the maintenance of peace. Second, should a conference of the powers in consultation decide on an aggressor and should the United States agree with this decision "on the basis of its own independent judgment," then the United States "will undertake to refrain from any action and to withhold protection from its citizens if engaged in activities which would tend to defeat the collective effort which the states in consultation might have decided upon against the aggressor." In simple language, this pledge means that the United States promises not to hamper the League of Nations in applying sanctions against an aggressor, provided that the American government agrees with the League as to the aggressor. This is tantamount to withholding the exercise of our neutral rights, as interpreted in the past; it implies clearly that we will not insist on our right as a "neutral" to trade with a state which we regard as an aggressor. The significance of the pledge is apparent when it is realized that by insisting on trading with an aggressor, the United States would in effect prevent the application of sanctions by other states.

The American commitment was accompanied by two further qualifications: it will not come into effect unless and until a disarmament treaty is signed, and the pledge itself will merely take the form of a Presidential declaration, not a treaty commitment. President Roosevelt later emphasized the first condition and made it plain that by disarmament he means a substantial reduction, and not merely a treaty preserving the *status quo*.⁷

THE EUROPEAN SECURITY PACT

The proposed European Security Pact is an attempt to clarify—and thus to strengthen—the obligations already assumed by all the states of Continental Europe under the League Covenant. It would be a voluntary agreement between such Continental states

as chose to join, and would not involve Great Britain, the United States or other non-European countries.

The Continental countries would be asked to lay down in advance the precise conditions under which they will carry out their commitments to aid victims of aggression under Article XVI of the Covenant. They would pledge themselves in advance to "participate immediately" in carrying out a recommendation of the Council under Article XVI, provided the recommendation is unanimous.⁸ Furthermore, each party would specify in the pact exactly what measures it will take to assist a state victim of aggression. This assistance, which may take the form of economic or military sanctions, will be pledged "to the contracting states situated in a particular area." To avoid the possibility of legal quibbling over whether a state has resorted to war, the pact lays down a precise definition of aggression. Under this definition a state shall be considered an aggressor if it is the first to have committed one of the following acts:⁹

1. Declaration of war upon another state;
2. Invasion by its armed forces, even without declaration of war, of the territory of another state;
3. Attack by its land, naval or air forces, even without declaration of war, on the territory, ships or aircraft of another state;
4. Support given to armed bands which, having been formed in its territory, have invaded the territory of another state, or refusal to take in its own territory, notwithstanding the invaded state, all the measures in its power to deprive the said bands of all help or protection.

These provisions are supplemented by a declaration forbidding "resort to force"—in place of resort to war, as in the Pact of Paris—as an instrument of national policy, and a reaffirmation of the obligations assumed under the League Covenant and treaties of mutual assistance.

The purpose of the pact is to strengthen the League system of sanctions *as they apply to the Continent of Europe*. If adopted, it would give European states a definite assurance that immediate aid would be extended to a country which had been attacked, and a precise knowledge of the character of that aid. When the Disarmament Conference reassembled in October, however, the political tension in Europe had increased to such an extent that no scheme of security appeared adequate to countries in fear of imminent war.

8. Excluding the parties to the dispute.

9. The Soviet delegation proposed a similar, but even more complete definition, to apply equally to all countries which have signed the Pact of Paris. The proposal was not adopted but was held over for a second reading. Cf. League of Nations General Commission, *Provisional Minutes of the Sixty-Fifth Meeting*, May 25, 1933, p. 513.

10. For a description of postwar land armies, cf. W. T. Stone, "The Burden of Armaments," *Foreign Policy Reports*, December 9, 1931.

6. League of Nations, General Commission, *Provisional Minutes of the Sixty-First Meeting*, May 22, 1933, p. 473-475.

7. *New York Times*, June 29, 1933.

PART II—DISARMAMENT

Part II of the Draft Convention lays down a system of limitation to govern land, naval and air armaments. It is divided into two sections, one dealing with personnel, or *effectives*, the other with physical equipment, or *materiel*.

In the case of land armies, the first obvious element of military strength is trained man power. A disarmament scheme must place a limit on the number of men serving with the armed forces. A system of limitation, however, must apply to three distinct types of military organization: professional armies, conscript armies and militia armies.¹⁰ Professional armies, as the name implies, are composed of professional soldiers, usually recruited by voluntary enlistment for relatively long periods of service. The British and American armies are representative of this type; while Germany, under the Versailles Treaty, is obliged to maintain a professional army. Conscript armies are recruited by compulsory military service: all able-bodied male citizens are required to serve a stated period—in most countries one or two years. At the end of this period they are enlisted in the reserves and are subject to call in case of war. Armies of this type can be rapidly expanded in wartime by calling up the trained reserves. All European countries except Germany and the former Central Powers follow this system. Militia armies are similar to conscript forces, except that the period of service is reduced to a few weeks' or months' active

training each year. The Swiss army is typical of the militia system.

In the case of naval and air forces the number of ships and airplanes is more important than personnel.

LIMITATION OF EFFECTIVES

The Draft Convention provides that the number of effectives in armies, navies and air forces should be limited by all countries, and it proposes that the land forces stationed in Continental Europe be standardized on a militia basis.

The definition of effectives¹¹ is drawn so as to include not only all men performing a day's duty in the armed forces, but also police forces organized on a military basis and all men over 18 who receive military training from the state. It excludes trained reserves, who are not counted as effectives unless they actually serve with the armed forces. Under this definition the German state police forces, which are organized on a semi-military basis, and certain Nazi Storm Troops would be included in the figure fixed for the German army. The three million trained reserves who are liable for service with the French army in case of war would not be limited.

The Draft Convention does not include final figures for all countries, although the British government proposed tentative figures for the armies of Continental Europe. The proposed figures are compared with the actual strength of European armies in the following table:

Table I

Maximum Forces Suggested in the Draft Convention ¹²			Maximum Forces Reported in Armaments Year-Book, 1933			
Home Forces	Overseas Forces	Total	States	Home Forces	Overseas Forces	Total
60,000	15,000	75,000	Belgium	66,829	17,119	83,948
60,000	.....	60,000	Bulgaria	19,956	.....	19,956
100,000	.....	100,000	Czechoslovakia	109,637	.....	109,637
200,000	200,000	400,000	France	381,203	211,837	593,040
200,000	.....	200,000	Germany	99,191	.....	99,191
60,000	.....	60,000	Greece	53,043	.....	53,043
60,000	.....	60,000	Hungary	34,993	.....	34,993
200,000	50,000	250,000	Italy	396,008	29,889	425,897
25,000	50,000	75,000	Netherlands	16,293	39,083	55,376
200,000	.....	200,000	Poland	266,015	.....	266,015
50,000	10,000	60,000	Portugal	31,129	10,668	41,797
150,000	.....	150,000	Rumania	122,273	.....	122,273
120,000	50,000	170,000	Spain	119,210	43,075	162,285
500,000	.....	500,000	U.S.S.R.	562,000	.....	562,000
100,000	.....	100,000	Yugoslavia	112,610	.....	112,610
50,000			EACH OTHER CONTINENTAL EUROPEAN STATE	(No other state has more than 50,000)		

11. Draft Convention, cited, Article 9.

12. Draft Convention, cited, Part II, Section I, Chapter 1. These figures were proposed by the British delegation but were

not accepted during the first reading. The British delegation gave no explanation of the method used in arriving at the figures.

Reduction to the figures finally agreed upon would be carried out by gradual stages: 30 per cent of the required reduction at the end of the second year after the treaty comes into force; 75 per cent at the end of the fourth year; and 100 per cent at the end of the fifth year.¹³

PROPOSED MILITIA SYSTEM FOR EUROPE

The proposal that all Continental European armies should be standardized on a short-term militia basis was originally introduced by France in November 1932 as a possible solution for the issue of equality.¹⁴ France contended that in order to reduce the "offensive power" of armies equally, the system of limitation must deal with military organization as a whole, and not piecemeal by prohibiting a few aggressive weapons. The best way to provide equality for defense would be to organize all European forces on a uniform short-term basis. A short-term army, in the opinion of the French government, would be less suitable to offensive action than a professional force.

The application of this system is greatly restricted by the terms of the Draft Convention. Eventually the period of service for home defense forces in all European countries would be reduced to eight months; but the transformation would be spread over a term of five years.¹⁵ Moreover, a certain number of professional soldiers would be retained indefinitely. Colonial troops and mobile forces stationed in Europe to provide drafts for overseas colonies would be exempt from the short-term system.¹⁶

As a result of these restrictions, the adoption of this system would not result in a radical transformation of the conscript armies in Europe today. The French army, for example, would be only slightly affected. At the present time the French army is composed of approximately 355,000 enlisted men stationed in France and about 205,000 men stationed overseas. The troops in France are divided into two separate forces—a home defense force of about 280,000 men and a mobile force of some 75,000 to be used if necessary for the defense of the colonies. This mobile force and the troops stationed overseas—which represent one-half of the total enlisted strength of the French army—would be exempt from the provisions of the European system. The short-term provisions would only apply to

the 280,000 men in the home defense force. The period of service for conscripts serving with the home defense force is now 12 months, and would be reduced eventually to 8 months under the proposed system. A relatively large number of the home defense troops, however, are professional soldiers recruited for periods of several years, and presumably a large number of these would be retained.¹⁷ Under the terms of the Draft Convention, therefore, France would be required to reduce the period of service for some 200,000 conscript troops from 12 to 8 months.

The professional German army would be affected much more directly by the proposed system. Under the terms of the Versailles Treaty the German *Reichswehr* consists of 100,000 men recruited by voluntary enlistment for a 12-year period. To transform this force into a short-term conscript army would entail a complete reorganization. The transformation would not have to be made at once, however, and a certain number of professional soldiers could be retained indefinitely. Under the short-term system Germany would be able to build up a trained reserve similar to that of other conscript armies. Presumably, Germany would be free to incorporate in the reserve forces the trained professional soldiers as they were retired from the *Reichswehr*, and some of the Nazi Storm Troops.

Three major issues remained a source of controversy at the end of the first reading: (1) the question of limiting trained reserves; (2) the exemption of colonial troops from the short-term militia system; (3) the inclusion of police forces in the effectives subject to limitation.

On each of these issues Germany introduced amendments or reservations.¹⁸ Germany has insisted for years that trained reserves must be counted; it now proposes that all reserves must be counted as having done at least seven days' duty each year, even though they may not actually have been called up for training. The effect of this amendment would be to require France and other countries with large trained reserves to include a certain number within the limits fixed by the disarmament treaty.¹⁹

17. The French army includes approximately 196,000 professional soldiers. The average number of conscripts called up for 12 months' service has been approximately 250,000 annually in recent years.

18. *Draft Convention*, cited, Amendments to Articles 9-13, Conf. D/163.

19. For example, France has nearly 3,000,000 men in its reserves who are liable for military service under French law and who have been trained with the army since the World War. These men are not counted as "effectives" unless they are called up for additional training. But under the German amendment, each man would be considered to have done seven days' duty, which would be the equivalent of 60,000 effectives serving a full year with the army. If France were allowed 200,000 men for defense of the home country, the 60,000 reserves would be included in this figure, thus reducing the actual troops on duty with the army to 140,000. France and its allies have strongly opposed this amendment.

13. *Draft Convention*, cited, Chapter 3, Article A (inserted during the first reading but held over for consideration at the next session of the Conference). The French delegation reserved its final position on this article.

14. League of Nations, Memorandum of the French delegation, Conf. Doc. 146, November 14, 1932.

15. *Ibid.*, Article 16; Chapter 3, Article A provides that the period of service would be reduced 30 per cent at the end of the second year, 75 per cent at the end of the fourth year and 100 per cent at the end of the fifth year.

16. *Ibid.*, Articles 17-18.

Germany's objection to counting police forces with the army is due to the fact that its federal police, while organized on a semi-military basis, are not now included in the armed forces. The police forces number 140,000 men, of which 105,000 are state police recruited by voluntary enlistment like the *Reichswehr*. A certain proportion are quartered in barracks and organized in active military units. These would be subject to limitation under the Draft Convention. Germany reserved its position on this question but did not introduce an amendment.

The exemption of colonial troops in nearby colonies is opposed even more strenuously by Germany and other non-colonial countries on the ground that these forces are available for the defense of the home country. France, for example, has more than 120,000 troops in Algeria, Tunis and Morocco which can be transported across the Mediterranean in a few days. These forces, and the 75,000 men stationed in France for the defense of overseas territories, would be exempt from the short-term service limitations proposed for armies in Continental Europe. The German amendment asks that they be included in the home forces. At the first reading of the Draft Convention, Germany was supported in part by the Soviet delegation, Italy, Austria and Hungary. Efforts to reach a compromise on these important issues had not been successful when the Conference resumed its work on October 16.

LAND ARMAMENTS—MATERIAL

The new Draft Convention deals with the material of land armaments, as well as naval and air arms. This is an advance over the 1930 Draft Convention submitted by the Preparatory Commission, which provided no direct limitation of guns, tanks or mobile artillery.

In July 1932 the Disarmament Conference approved the principle of "qualitative disarmament," and declared that a "primary objective" should be to reduce the means of attack by abolition or internationalization of offensive weapons.²⁰ The new convention applies this principle only in part. It fixes the maximum size of mobile land guns at 115 mm. (4.5 in.) for the future;²¹ existing guns up to 155 mm. (6.1 in.) may be retained, but all replacements must be within 115 mm. Guns above 155 mm. must be destroyed gradually, one-third within 12 months and two-thirds within three years of the coming into force of the treaty. No limit is placed on fortress guns, and the number of mobile guns is not restricted. The maximum size

of tanks is fixed at 16 tons, and all tanks above this weight are to be destroyed within the same period of time as heavy guns. The number of tanks is to be limited.²²

These provisions were not acceptable to a number of countries, including France, Germany, Hungary, Italy and Turkey. They were criticized by the disarmed powers, which are forbidden by the peace treaties to have any tanks or mobile guns above 105 mm. They point out that the armed powers possess huge stocks of 155 mm. guns which they could retain indefinitely, until replaced, and that very few countries have tanks larger than 16 tons.²³ [In the Simon proposal of October 14 the Allied governments were to abolish aggressive weapons only in the second stage of the eight-year period. Only in this second stage, moreover, would Germany be allowed to acquire the "defensive" weapons now prohibited to it by the Versailles Treaty. Hitler withdrew from the Disarmament Conference owing to the unwillingness of the Allied powers and the United States to allow Germany to acquire a certain number of these "defensive" weapons immediately. Ed.]

NAVAL ARMAMENTS

The naval clauses of the new Draft Convention would not alter the arrangements between the parties to the Washington and London naval treaties. The naval armaments of the United States, Great Britain, Japan, France and Italy would remain subject to the limitations of these treaties.²⁵ The last two powers, which did not adhere to the provisions of the London treaty limiting cruisers, destroyers and submarines, are asked to accept building programs in harmony with the London treaty up to December 31, 1936, when the agreement expires. No further submarines or 8-inch-gun cruisers would be laid down by either power, and the French submarine fleet, which is the largest in the world, would be limited to a figure to be decided on later. The tonnage to be laid down in small cruisers and destroyers is not to exceed the present building program.²⁶

France did not accept these terms, partly on the ground that Great Britain, the United States and Japan are free to lay down new ships for replacement each year between 1933 and 1936, while France would be limited to a program designed for a single year. These provisions, however, are important to

22. *Ibid.*, Article 21.

23. Great Britain is reported to have 150 war time tanks above 16 tons; the United States has approximately 50 large tanks purchased from Great Britain during the war.

25. *Draft Convention*, cited, Article 23.

26. France may lay down 34,298 tons in small cruisers and destroyers, and Italy 27,173 tons in the same categories before December 31, 1936. Italy is also allowed to lay down one battle cruiser to offset the 26,500-ton *Dunkerque*, which France is building. *Ibid.*, Articles 25-28.

20. Stone, "The Disarmament Conference, Second Stage," cited.

21. *Draft Convention*, cited, Article 19.

the continued existence of the London Naval Treaty. Under that treaty Great Britain reserved the right to increase its destroyer tonnage if France and Italy should increase their tonnage beyond certain limits. Should the British government exercise this right, the whole question of naval limitation between the three great powers would be reopened.

The smaller naval powers not parties to the Washington and London treaties are asked to preserve the *status quo*, to undertake no new construction except for replacement and to refrain from building any vessels above the 6-inch-gun cruiser type.²⁷

The naval clauses were criticized by the small countries, by Japan and by Germany during the first reading. The small countries objected that they were forbidden to increase their present strength, while the big naval powers, which drafted this section, were free to build up to the levels of the Washington and London treaties. They charged the big powers with ignoring the recommendations of the Preparatory Commission in 1930, which had given the small powers the right to transfer tonnage from one category to another with complete freedom, provided they did not exceed the total tonnage allowed by the treaty. This right was restricted in the new Draft Convention to transfers between small cruisers and destroyers. Six of the small naval powers introduced a joint amendment allowing freedom of transfer for navies under 100,000 tons, and eliminating the restrictions on size of cruisers and total tonnage.²⁸

The whole basis of existing naval limitation was questioned by Japan, which objected to any reference to the Washington or London treaties. A Japanese amendment proposed the deletion of those articles referring to the naval treaties, on the ground that the treaties would expire in 1936, and that new agreements should not be established on the same basis. Ambassador Sato created a profound impression on May 25 when he declared that Japan regarded the present treaties as "unstable in character,"²⁹ and warned that his country would expect to receive higher ratios at the next naval conference in 1935. Explanations from British and American delegates that Japan's position in 1935 would not be prejudiced failed to influence the Japanese. The amendment was not withdrawn and will be pressed at the second reading.

Germany raised yet another objection to the naval clauses. While Germany is ac-

corded equality in principle, it is asked to suspend the application of this right until the end of 1936, when the other naval treaties expire.³⁰ Provided that reductions in land and air armaments are made by the other powers, Germany would be willing not to increase the number of vessels allowed in the Versailles Treaty. Nevertheless, it asked the right to lay down one large capital ship before the end of 1936, to match the 26,500-ton vessels allowed to France and Italy. This claim was justified on the ground that the number of vessels, and not the tonnage, was the important criterion under the Versailles Treaty.³¹

AIR ARMAMENTS

The Draft Convention deals only tentatively with the problem of limiting air armaments, and postpones the question of abolishing military and naval aviation until the "second disarmament conference." It proposes three measures for immediate application. The first calls for complete abolition of bombing from the air, which is condemned as inhuman. The second provides for limitation of the number of airplanes in commission in the land, sea and air forces. The third provides that no country shall retain air planes larger than three tons, unladen weight.³²

* These measures are qualified by a series of important and sweeping restrictions. Although bombing from the air is condemned, it is allowed for police purposes in "certain outlying regions." This clause was inserted by Great Britain and defended on the ground that bombing was often necessary to pacify warlike tribes in remote territories, such as the northwest frontier of India.³³ Bombing airplanes are not to be abolished, and no limit is placed on the number of bombers to be retained; all countries are free to develop and train bombing squadrons and to perfect new types of bombing equipment.

The top limit of three tons placed on airplanes does not include troop carriers or flying boats, which are exempt. It affects only a very small number of military planes now in commission. The total number of airplanes "in commission" is to be limited, but each country may keep in addition at least 25 per cent of this number in "immediate reserve."^{33a} Presumably each country

30. Germany is asked not to build any more "pocket battle-ships" of the *Deutschland* type. It already has three—one completed, one just launched and one building—and is entitled to three more under the terms of the Versailles Treaty.

31. German amendment, Conf. Doc. C.G./91. The Versailles Treaty allowed Germany to retain six large capital ships, with the right to replace them; the maximum size of the replacements was not to exceed 10,000 tons.

32. Draft Convention, cited, Article 35-40.

33. The provision was opposed by a large number of delegations at the first reading of the Draft Convention. League of Nations, General Commission, *Provisional Minutes*.

33a. Draft Convention, cited, Article 36.

27. *Ibid.*, Article 29.

28. Amendment by the Finnish, Polish, Rumanian, Spanish, Swedish and Yugoslav delegations. Conf. Doc. C.G./113.

29. League of Nations, General Commission, *Provisional Minutes of the Sixty-Fourth Meeting*, May 25, 1933, p. 504.

may keep any number of training airplanes or stocks held in second reserve to be assembled in case of need. Thus the numerical limitations proposed by the British government in the Draft Treaty do not reflect the potential air strength which would be allowed. The proposed figures are compared with the existing strength in the following table.

Table II

Maximum Number of Airplanes Proposed in Draft Convention ³⁴		Number of airplanes in Commission, Reported in Armaments Year-Book, 1933
150	Belgium	195
500	United Kingdom	1,434
100	China	.....
200	Czechoslovakia	546
50	Denmark	78
50	Estonia	74
25	Finland	.....
500	France	2,375
75	Greece	119
500	Italy	1,507
500	Japan ³⁵	1,639
50	Latvia	79
50	Lithuania	.....
150	Netherlands	321
75	Norway	96
200	Poland	700
25	Portugal	129
150	Rumania	799
75	Siam	344
200	Spain ³⁵	533
75	Sweden	167
75	Switzerland	125
100	Turkey	370
500	U.S.S.R.	750
500	United States ³⁵	1,752
200	Yugoslavia	627

These provisional measures would govern the air armaments of the contracting parties for the period of the Draft Convention—five years. During this period the Permanent Disarmament Commission, created in another section, is to work out “the best possible scheme” for the complete abolition of military and naval aircraft. Abolition, however, must depend on effective supervision of civil aviation, to prevent its misuse for military purposes. In other words, the Permanent Commission is instructed to find some way to control civil aviation—a problem which has baffled every disarmament gathering since the war—before it suggests what should be done about abolishing military and naval aircraft. Should it prove impossible to supervise civil aviation, the Commission is asked to determine the minimum number of machines required by each country, taking into account the particular circumstances of each. These recommendations will be referred to the second disarmament conference five years hence, when the pow-

ers will be free to accept or reject the figures presented.

The section on air armaments evades the issue of “equality” raised by Germany. The Versailles Treaty prohibited air forces in Germany and denied Germany the right to keep military or naval planes of any kind. Ever since 1926, when the Preparatory Commission first met, Germany has demanded the abolition of military aviation by all countries. The Preparatory Commission was not able to recommend abolition because of the fear of some states that civil aircraft would be converted to military uses, nor could it agree on a scheme for the control of civil aviation. Various plans for international control were advanced by France and other powers, but none met with universal support.³⁶ At the opening of the Disarmament Conference in 1932, the same objections were raised by France against abolition of military aviation, although a number of countries urged prohibition of bombing planes, and many of the smaller states favored total abolition.³⁷

When Germany returned to the Disarmament Conference in February 1933, its claim to equality of rights had been acknowledged in the joint declaration signed December 11 by Great Britain, France and Italy, in which the three powers pledged that “this principle should find itself embodied in the convention. . .” Spokesmen for the new Hitler régime made no secret of the fact that if the heavily armed powers refused to disarm, Germany would demand the right to possess airplanes and other weapons forbidden under the Versailles Treaty.³⁸

At Geneva, however, the German delegation refrained from pressing the point. When the Draft Convention was brought up for first reading, Germany again chose to plead for abolition of aggressive weapons by all powers rather than solicit the right to reararm. The German amendment to the air clauses proposed that all military and naval air material should be destroyed within two years. In order to prevent the use of civil aviation for military purposes, Germany proposed effective control under international supervision. To France, as also to a majority of the other powers, the request for total abolition of military aviation within two years was unacceptable, and the whole question was deferred to the second reading.

36. Stone, “World Disarmament Conference, First Stage,” cited, p. 64.

37. Seven countries favored total abolition of military aviation. *Ibid.*, p. 62.

38. In an article in the *Leipziger Illustrierte Zeitung*, Foreign Minister von Neurath declared: “Unfortunately we must recognize that our demand for equality of rights has foundered on the unwillingness of the heavily armed powers to disarm. Whatever the limitation and reduction of armaments under the British plan—if there is to be any—it will force us to supplement our armaments.” Quoted in the *New York Times*, May 12, 1933.

34. *Ibid.*, cited, Part II, Section II, Chapter 3. These figures were proposed by the British delegation but were not accepted by any country during the first reading.

35. Stone, “Burden of Armaments,” cited, p. 375.

PART III—EXCHANGE OF INFORMATION

This section of the Draft Convention was left blank for the reason that the provisions for exchange of information would depend on the limitations finally agreed on in other parts of the treaty. It may be recalled, however, that under Article VIII of the Covenant all members of the League agree to "interchange full and frank information as to the scheme of their armaments, and military, naval and air programs and the condition of such of their industries as are adaptable to war purposes."

Notwithstanding this obligation assumed thirteen years ago, no government has submitted full information as to the strength of its armaments. The *Armaments Year-Book* published annually by the League furnishes data on the military, naval and air forces of a majority of the countries, but it contains no information whatever relating to stocks of war material, supplies of ammunition or the facilities of armament industries.

With rare exceptions, the governments have declined to submit figures showing the number of guns, tanks and munitions in service, and none have submitted figures showing stocks in reserve.

The Preparatory Commission in 1929 appointed a subcommittee of experts to decide whether "there was any grave disadvantage from a military and technical point of view" in giving publicity in regard to war material in service or in reserve. The experts were unable to reach any agreement on material in reserve, but found there was no "disadvantage" in publishing information on war material in service.³⁹ The Draft Treaty submitted by the Preparatory Commission in 1930 contained no provision for exchange of information on the stocks of war material, but called for information showing the total number of effectives of the land, naval and air forces, budgetary expenditure and construction of naval vessels.

PART IV—CHEMICAL WARFARE

This section contains four elaborate provisions:

1. The use of chemical incendiary or bacterial weapons is prohibited.⁴⁰
2. All preparations for chemical incendiary or bacterial warfare are prohibited in time of peace as in time of war.⁴¹
3. Complaints made by any party that the prohibition to prepare for chemical incendiary or bacterial warfare has been violated shall be examined by the Permanent Disarmament Commission.⁴²
4. Complaints made by any party that chemical incendiary or bacterial weapons have been used against it shall be investigated by the Permanent Disarmament Commission or a special commission created for the purpose. The commissions shall determine whether such weapons have in fact been used.⁴³

The foregoing provisions are more drastic than those contained in the Poison Gas Protocol signed at Geneva in 1925.⁴⁴ Under this protocol, which is now in effect between thirty-four countries, the parties agree to abstain from the use of poison gas in war but do not forbid preparation in time of peace. The

present text, which was based on the report of a special committee of the Disarmament Conference, attempts to suppress all preparation and experimentation in time of peace.

The value of these prohibitions is weakened by several qualifying clauses. A country which is the victim of a legal gas attack is free to retaliate, subject to such conditions as may be agreed on in the future.⁴⁵ The ban on preparations in peace time, moreover, governs only substances or appliances *exclusively* suited to chemical warfare and thus allows experimentation with chemical products in normal commercial use. The right to use tear gas for police purposes is permitted—a provision inserted at the request of the United States.⁴⁶ Gas masks and protective devices are also permitted. Despite these shortcomings, however, the proposed measures would require all governments to abolish their chemical warfare services and to cease the training of officers in the use of chemical weapons.⁴⁷

PART V—THE PERMANENT DISARMAMENT COMMISSION

The creation of machinery for enforcement and supervision of the Disarmament Treaty was one of the essential provisions of the

first draft convention submitted by the Preparatory Commission in 1930.⁴⁸ France in particular has maintained that a disarmament treaty "would be absolutely useless unless some means of enforcement or super-

39. League of Nations, Preparatory Commission for the Disarmament Conference, Minutes of the Sixth Session, Second Part, p. 26.

40. *Draft Convention*, cited, Articles 47-50.

41. *Ibid.*, Articles 51-54.

42. *Ibid.*, Article 55.

43. *Ibid.*, Articles 56-62.

44. League of Nations, *Official Journal*, August 1925, p. 1158. This convention was signed but not ratified by the United States. Cf. "The United States and the St. Germain Treaties," Foreign Policy Association, *Information Service*, January 4, 1929.

45. *Draft Convention*, cited, Article 47.

46. *Ibid.*, Article 54. Cf. Amendment by the United States delegation, Conf. Doc. C.G./136.

47. In 1932 the United States War Department expended \$1,252,099 for the chemical warfare service. The service is engaged in developing new methods of chemical warfare and training officers in the offensive and defensive use of chemical weapons.

48. League of Nations, *Draft Treaty for the Disarmament Commission*, cited, p. 483.

vision were instituted"⁴⁹ The new text was prepared by a drafting committee on supervision, with the Belgian delegate, M. Bourquin, as rapporteur.

The Permanent Disarmament Commission would be set up at Geneva. It would be composed of representatives of all governments adhering to the Disarmament Treaty. Each government would appoint one member, accompanied by substitutes and experts. The Commission itself would have authority to set up committees and appoint experts.

The principal functions of the Commission would be:

1. To watch the execution of the Disarmament Convention.
2. To receive all information which the parties are required to furnish in pursuance of their international obligations.⁵⁰
3. To investigate alleged infractions of the treaty.⁵¹
4. To report the result of such investigations.⁵²
5. To make preparations for the next Disarmament Conference and to supply the Council of the League of Nations with any information which the Council may request.⁵³

Elaborate provisions are made for the execution of these functions. Should the Commission be established, the contracting states would voluntarily relinquish important sovereign rights. At the request of one or more parties, the Commission may conduct investigations on the territory of any other power.⁵⁴ The Commission may determine the scope of such investigation by a two-thirds majority of the members of the Commission. In each case the Permanent Disarmament Commission is required to publish a special report containing the results of its investigation. The parties to the treaty agree to consult or "advise as to the conclusions of the report." In addition to the special investigations arising from alleged violation of the treaty, the Commission may conduct periodic investigations.

During the first reading of the Draft Convention the French government introduced a series of important amendments intended to strengthen and supplement the system of armament supervision. The French amendments had a double object: first, to enforce rigid observance of treaty limitations; second, to provide for sanctions against any country which violates its disarmament undertakings.

France would provide for a regular, systematic and exhaustive investigation in each

state at least once every year. For this purpose the French government would have the commission set up permanent "inspection organizations" with the duty of seeing that all undertakings are being carried out. These inspection organizations would have full freedom of movement within the states to which they were assigned.⁵⁵ France would allow the Permanent Disarmament Commission to take into account any information coming to it from a "responsible source," in addition to information furnished by governments.⁵⁶

Finally, France would provide penalties to be imposed against a state violating its treaty engagements. Should the Commission establish a violation of the treaty provisions, "it shall without delay call on the High Contracting Power at fault to observe its undertakings within a period to be fixed by the Commission." The Commission shall further "satisfy itself" that the provisions of the Convention are being observed. If the violation continues, parties to the Disarmament Treaty "shall employ in common against the High Contracting Power which has not complied with its undertakings the necessary means of pressure to insure the execution of the Convention." If war breaks out as a result of a violation, the parties which are members of the League of Nations "shall consider the said violation as *prima facie* evidence that the party guilty thereof has had recourse to war within the meaning of Article XVI of the Covenant of the League of Nations."⁵⁷

These amendments were not discussed during the first reading of the Draft Convention. In the course of private conversations held in the summer of 1933, however, the French government sought to induce Great Britain and the United States to support the French plan for supervision. France, fearing the re-armament of Germany, took the position that the armaments of all countries should be placed under international supervision for a trial period of three or four years; at the end of this period, if the system worked, definite reductions would be begun. Great Britain and the United States, while supporting the principle of supervision, insisted that it must be accompanied by simultaneous disarmament. The British and American governments, moreover, were not prepared to join in the application of sanctions against a country violating its agreements.⁵⁸

49. *Ibid.*, Amendment to Article 75, Conf. Doc. C.G./125.

50. *Ibid.*, Amendment to Article 70. Conf. Doc. C.G./126.

51. *Ibid.*, proposed new Article 89A, submitted by the French delegation, Conf. Doc. C.G./128.

52. When the French amendment was introduced at Geneva the United States asked to be excluded from "any implied obligation" to do more than confer with other powers as provided for in the statement of Norman Davis. League of Nations, General Commission, *Provisional Minutes of the Seventy-Third Meeting*, June 1, 1933, p. 6.

49. Statement of M. Paul-Boncour to the Preparatory Commission, Third Session, p. 275.

50. *Draft Convention*, cited, Article 69.

51. *Ibid.*, Article 72.

52. *Ibid.*, Article 74.

53. *Ibid.*, Articles 81-83.

54. *Ibid.*, Article 73.